

Appl. No. 10/615,970  
Docket No. 9325  
Amdt. dated October 24, 2006  
Reply to Office Action mailed on September 1, 2006  
Customer No. 27752

### **REMARKS**

#### **Claim Status**

Claims 1 and 15 have been amended to define the claimed invention with greater specificity by indicating that the fiber flexibilizing system comprises an opacity increasing agent. Support for these amendments is found in throughout the Specification, especially at page 6, lines 13-14.

Claims 1 - 18 are pending in the present application. No additional claims fee is believed to be due.

#### **Rejection Under 35 USC §112**

Claims 1-18 are rejected by the Examiner under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner asserts that the phrase "from individual components" lacks antecedent basis.

Applicants respectfully submit that Claims 1 and 15, as amended, are not indefinite. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, as amended, respectively, are not indefinite.

#### **Rejection Under 35 USC §102/§103 Over U.S. Patent Nos. 5,240,562, 5,334,286, 5,279,767, 5,624,532 or 5,981,044**

Claims 1-18 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,240,562 to Phan et al. ("the '562 Patent"), U.S. Patent No. 5,334,286 to Van Phan et al. ("the '286 Patent"), U.S. Patent No. 5,279,767 to Phan et al. ("the '767 Patent"), U.S. Patent No. 5,624,532 to Trokhan et al. ("the '532 Patent") or U.S. Patent No. 5,981,044 to Phan et al. ("the '044 Patent"). The Examiner asserts that all of these references teach a tissue containing a polyhydroxy compound, same as the ones claimed and added at the same range as claimed in the claimed invention. Further, the Examiner asserts that the references teach the use of opacity increasing agents, such as particular fillers.

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Applicants respectfully submit that the references, the '562 Patent, the '286 Patent, the '767 Patent, the '532 Patent and the '044 Patent, all fail to teach each and every element of Claims 1 and 15, as amended, the independent claims, because they each fail to teach a fibrous structure comprising a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent wherein the net change in opacity of the fibrous structure resulting from the fiber flexibilizing agent system is greater than the net change in opacity of the fibrous structure resulting from the individual components of the fiber flexibilizing agent system. Applicants appreciate that prior art fibrous structures contain fiber flexibilizing agents, such as polyhydroxy compounds, however, Applicants respectfully submit that the prior art fibrous structures fail to exhibit the claimed net change in opacity condition as claimed in Claims 1 and 15, as amended. Applicants submit that the prior art references cited by the Examiner fail to teach that a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent exhibits a synergistic effect on opacity of the fibrous structure, as claimed in Claims 1 and 15, as amended, rather than a cumulative effect on opacity.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 15, as amended are not anticipated by nor rendered obvious over any of the references, the '562 Patent, the '286 Patent, the '767 Patent, the '532 Patent and the '044 Patent, alone or in combination. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, as amended, respectively, are not anticipated by nor rendered obvious over any of the references, the '562 Patent, the '286 Patent, the '767 Patent, the '532 Patent and the '044 Patent, alone or in combination.

Rejection Under 35 USC §102/§103 Over Japan Patent Application No. 11332777

Claims 1-18 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over Japan Patent Application No. 11332777 to Yoshifumi et al. ("Yoshifumi"). The Examiner asserts that Yoshifumi teaches a wiping product in which a polyol compound, including a polyethylene oxide, is added to the web. Further, the Examiner asserts that Yoshifumi teaches the addition of fillers to the wiping product.

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Applicants respectfully submit that Yoshifumi fails to teach each and every element of Claims 1 and 15, as amended, the independent claims, because it fails to teach a fibrous structure comprising a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent wherein the net change in opacity of the fibrous structure resulting from the fiber flexibilizing agent system is greater than the net change in opacity of the fibrous structure resulting from the individual components of the fiber flexibilizing agent system. Applicants appreciate that prior art fibrous structures contain fiber flexibilizing agents, such as polyol compounds, however, Applicants respectfully submit that the prior art fibrous structures fail to exhibit the claimed net change in opacity condition as claimed in Claims 1 and 15, as amended. Applicants submit that Yoshifumi fails to teach that a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent exhibits a synergistic effect on opacity of the fibrous structure, as claimed in Claims 1 and 15, as amended, rather than a cumulative effect on opacity.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 15, as amended are not anticipated by nor rendered obvious over Yoshifumi. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, as amended, respectively, are not anticipated by nor rendered obvious over Yoshifumi.

Rejection Under 35 USC §102/§103 Over U.S. Patent Application Publication Nos.  
2002/0192407, 2001/0055609, 2004/0052834 or 2003/0136531

Claims 1-18 are rejected by the Examiner under 35 USC §102(b) as allegedly being anticipated by or, in the alternative, under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent Application Publication No. 2002/0192407 to Hendrix et al. ("Hendrix"), U.S. Patent Application Publication No. 2001/0055609 to Shantz et al. ("Shantz"), U.S. Patent Application Publication No. 2004/0052834 to West et al. ("West") or U.S. Patent Application Publication No. 2003/0136531 to Edwards et al. ("Edwards"). The Examiner asserts that all of these references teach a tissue in which polyethylene oxide, polyethylene glycol is added to the tissue. Further, the Examiner asserts that all of the references teach the use of the same type of polyethylene glycol as described within the present application. Further, the Examiner asserts that the references teach the use of fillers and/or pigments.

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Applicants respectfully submit that the references, Hendrix, Shantz, West and Edwards, all fail to teach each and every element of Claims 1 and 15, as amended, the independent claims, because they each fail to teach a fibrous structure comprising a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent wherein the net change in opacity of the fibrous structure resulting from the fiber flexibilizing agent system is greater than the net change in opacity of the fibrous structure resulting from individual components of the fiber flexibilizing agent system. Applicants appreciate that prior art fibrous structures contain fiber flexibilizing agents, such as polyhydroxy compounds, however, Applicants respectfully submit that the prior art fibrous structures fail to exhibit the claimed net change in opacity condition as claimed in Claims 1 and 15, as amended. Applicants submit that the prior art references cited by the Examiner fail to teach that a fiber flexibilizing agent system comprising a fiber flexibilizing agent and an opacity increasing agent exhibits a synergistic effect on opacity of the fibrous structure, as claimed in Claims 1 and 15, as amended, rather than a cumulative effect on opacity.

In light of the foregoing, Applicants respectfully submit that Claims 1 and 15, as amended are not anticipated by nor rendered obvious over any of the references, Hendrix, Shantz, West and Edwards, alone or in combination. Further, Applicants respectfully submit that Claims 2-14 and 16-18, which ultimately depend from Claims 1 and 15, as amended, respectively, are not anticipated by nor rendered obvious over any of the references, Hendrix, Shantz, West and Edwards, alone or in combination.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §112, §102(b) and §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-18, as amended, is respectfully requested.

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Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By C. Brant Cook  
Signature  
C. Brant Cook

Typed or Printed Name  
Registration No. 39,151  
(513) 634-1533

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